

ORIGINAL

FORMAL COMPLAINT

ARIZONA CORPORATION COMMISSION



0000097990

FORMAL COMPLAINT

Date: September 1, 2009

Compliant No. 2009-80784

Complaint of :

Arizona Corporation Commission

DOCKETED

CFT INC. CPR LIFE MASK and
Carefree Trading Inc.
P.O. Box 1050
500 Easy Street
Carefree, Arizona 85377

SEP 4 2009

DOCKETED BY

ARIZONA CORPORATION
COMMISSION
DOCKET CONTROL

2009 SEP -4 A 8:48

RECEIVED

Work Phone: 602 992 1220

T-01051B-09-0425

Responsible Party: Rick L. Stockett

Utility: Qwest

Account No. CFT INC. 480-575-1299F 1942

Account No. Carefree Trading 480-488-3777819B

GROUND S FOR COMPLAINT

I am the president of CFT INC. CPR LIFE MASK and Carefree Trading Inc. and have been doing business in Arizona with these companies for over twenty years. Until the end of 2008 I conducted these businesses from an office building I owned at 14602 N. Cave Creek Road in Phoenix and used Qwest for my telephone service at that location. At the end of 2008 I moved my offices to a new building which I build at 500 Easy Street in Carefree, Arizona. As part of the move to Carefree I contracted with a CLEC named ComVoice to provide telephone service to my new offices. The ComVoice service was VOIP and for a number of reasons as we started up the business at our new location in early 2009 the ComVoice system was not meeting our needs for phone service.

When I moved my offices to Carefree I still had two lines with Qwest and toward the end of January I contacted Qwest about an issue with these lines. My Qwest contact was an employee in Minnesota named Brianne Liimatainen. In addition to discussing the issue with my two Qwest lines, Brianne volunteered information to me about a program Qwest had called "Winback" for former customers who switched back to Qwest. She stated that Qwest could bundle my two Qwest lines with my other eight lines at my Carefree location and that the service would be \$272.00 per month. It seemed to me to be an attractive offer and I requested Brianne to put the offer in writing so that I could consider my options for phone service.

On January 30, 2009 I received an email from Brianne setting forth the Qwest offer. In essence Qwest promised that, in addition to my two 8XX numbers, I would have ten land line

numbers with Qwest and that Qwest would bundle all of my services together including local (caller id, rollover, line maintenance, call forwarding), long distance, toll free service and hsi services. Most importantly, the cost for these services would be \$272.00 per month and included taxes, fees and surcharges. A copy of Brianne's email of January 30th and her confirming email of February 9th is attached hereto as Exhibit A. Also included in Qwest's offer was three months free service and free installation, see Brianne's emails of February 6th and 9th, copies of which are attached hereto as Exhibit B.

Based on Qwest's offer I made the decision to cancel the ComVoice agreement and switch back to Qwest. The decision to cancel the ComVoice agreement has now cost me over \$6,300.00 as well as ongoing attorneys fees. Qwest's dishonoring of their commitment has cost me over fifty hours of my time and has put tremendous strain on my employees due to the threat of Qwest cutting off our telephone service.

On March 26th I received an email from Michael Wright at Qwest, Brianne's supervisor, stating that the total monthly charges for my 8 land lines would be \$280.93 per month, no mention was made of my other two lines. Mr. Wright's email is attached hereto as Exhibit C.

Now that I have switched back to Qwest I have been receiving bills that are not even close to what Qwest had promised. I have received no free service for three months (I have gotten credit, but have been paying \$280.00 a month), I am being charged for taxes and surcharges in addition to the service charges and the service charges are exorbitant.

My July 1, 2009 Qwest bill for Carefree Trading Inc. totaled \$812.68 (\$747.63 for local service and \$65.15 for long distance). My July 4, 2009 bill for CFT INC was \$336.68 (\$317.46 for local service, \$11.23 for long distance and \$7.99 for access). My July bills now amount to \$1,149.36, a far cry from what I was initially promised by Qwest. I continue to pay Qwest \$280.00 every month.

I have contacted Qwest a number of times to rectify this billing issue. On Friday July 31st I spoke with Brent Anderson of Qwest who informed me that the quote I received from Qwest for the cost of my telephone service if I switched back to Qwest from ComVoice was incorrect and that my monthly phone service from Qwest would be approximately over \$700.00 a month. That amount is over \$428.00 greater than their initial quote to me to entice me to switch back to Qwest. I believe Qwest has engaged in unfair and unethical business practices and is responsible for gross misrepresentation to me as a consumer of their services. The only concession Qwest was willing to make to me was to give me a credit of \$4,800.00 to be applied to one of my numbers, a copy of Mr. Anderson's email of July 31st is attached hereto as Exhibit D. I am apprehensive that if Qwest cuts off my service it could cost my businesses millions of dollars in damages.

NATURE OF RELIEF SOUGHT

I respectfully request that the Corporation Commission investigate this matter and that Qwest be ordered by the Commission to provide the services to me at the prices they initially promised.

A handwritten signature in cursive script, reading "Rick L. Stockett".

Rick L. Stockett
Rick L. Stockett
President, CFT INC and
Carefree Trading Inc.

EXHIBIT A

Page 1 of 1

Subj: **RE: Rick Stockett**
Date: 1/30/2009 3:40:22 P.M. US Mountain Standard Time
From: Brianne.Liimatainen@qwest.com
To: CPRLIFEMASK@aol.com

Rick here is everything you need in writing.

We are bringing over your land line numbers-

602-992-1220
602-992-1501
602-992-1319
602-867-7160
602-482-1221
602-482-4931

And 8xx Number service-

800-331-8844
800-333-9110

We are also keeping Land Line numbers Active (already with qwest)

602-992-5530
602-482-4860
480-488-3777
480-488-5222

All together you will have 10 land lines with Qwest

We will be bundling all of your service together local, (caller id, rollover, line maintenance, call forwarding) long distance, and hsi services for **\$272.00** including your taxes-fees-surcharges.

The service is to be switched over and installed on Monday feb. 9th 2009

The phone system you are interested in will be costing an additional \$639.92

We have also put in a billing dispute in on account number 602-482-4860 for a total of \$334.39

We have also put in an additional dispute for account number 480-488-5222 for a total of \$181.46

These two accounts are the only active accounts you now have with Qwest. Both are pending approval on disputing those account charges for you!

Also, When you sign onto service with qwest we do NOT make you sign into a term agreement with us.

Let me know if I'm leaving anything out!

Bre

Monday, February 02, 2009 AOL: CPRLIFEMASK

Subj: **Pricing Breakdown With TF numbers**
Date: 2/9/2009 10:04:33 A.M. US Mountain Standard Time
From: Brianne.Liimatainen@qwest.com
To: CPRLIFEMASK@aol.com

Rick here is everything you need in writing.

We are bringing over your land line numbers-

602-992-1220
602-992-1501
602-992-1319
602-867-7160
602-482-1221
602-482-4931

And 8xx Number service-

800-331-8844
800-333-9110

We are also keeping Land Line numbers Active (already with qwest)

602-992-5530
602-482-4860
480-488-3777
480-488-5222

All together you will have 10 land lines with Qwest

We will be bundling all of your service together local, (caller id, rollover, line maintenance, call forwarding) long distance, TOLL FREE SERVICE, and hsi services for **\$272.00** including your taxes-fees-surcharges.

All of these services are combined in the \$272.00 dollar pricing breakdown, Including your toll free number.

This communication is the property of Qwest and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

EXHIBIT B

Subj: **RE: CFT, Inc.**
Date: 2/9/2009 9:25:19 A.M. US Mountain Standard Time
From: Brianne.Liimatainen@qwest.com
To: CPRLIFEMASK@aol.com

Rick,

Again, we have gone over the process of bringing your lines over to qwest multiple times. I presented you with the winback offer which is 3months free and free installation. Also, my director would like to know who Comvoices "insider" at qwest is, if you have a name. Please let me know if you want to come over to qwest or if you want to end up staying with Comvoice. We do not want to create any complications for you or your business. Please let me know so we can finish the TPV process as soon as possible.

Bre

From: CPRLIFEMASK@aol.com [mailto:CPRLIFEMASK@aol.com]
Sent: Monday, February 09, 2009 9:14 AM
To: Liimatainen, Brianne
Subject: CFT, Inc.

Bre,

Rick wants to know what time Qwest is coming today. Also are sending a form to be filled out?

Rick would also like something in writing that we are getting installation at no charge.

Thank you
Ginger

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.

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Thursday, March 26, 2009 AOL: CPRLIFEMASK

Subj: **RE: CFT, Inc./ Life Mask Rick Stockett**
Date: 2/6/2009 12:32:09 P.M. US Mountain Standard Time
From: Brianne.Liimatainen@qwest.com
To: CPRLIFEMASK@aol.com

Hey Ginger!

Good Morning.

Yes I did give rick the WINBACK offer. What that includes is 3months free service and all Non recurring charges waived.

I also have one more form that needs to be filled out, ill be sending that over to you soon. Hope your having a great day!

Bre

From: CPRLIFEMASK@aol.com [mailto:CPRLIFEMASK@aol.com]
Sent: Friday, February 06, 2009 9:15 AM
To: Liimatainen, Brianne
Subject: CFT, Inc./ Life Mask Rick Stockett

Bre,

Could we please get something in writing stating we are going to receive three months free service including our 800 numbers?

Thank you
Ginger Carey

Stay up to date on the latest news - [from sports scores to stocks and so much more.](#)

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EXHIBIT C

Subj: **FW: BILL FOR 480-575-1299 194**
Date: 3/26/2009 1:02:44 P.M. US Mountain Standard Time
From: Michael.Wright@qwest.com
To: CPRLIFEMASK@aol.com
CC: Brent.Anderson@qwest.com

Rick/Ginger - Below is the breakdown of your bill for your 8 new land lines. In conversations with Bre, she advised me that the installation waiver she quoted you was for the Market expansion lines and not the 8 new land lines.

For your new land lines.....Your monthly charges are 297.72 less a (48.99) discount for being on a term agreement, plus 32.20 for LD. That would bring the grand total of charges on your 8 land lines to 280.93 per month.

After reviewing the correspondence you've had with Bre, and due to the circumstances I am willing to work with you on your billing. I can certainly understand where you could've misinterpreted what she was telling you. Please call me at your earliest convenience. I look forward to hearing from you.

QWEST- \$1,681.84
QWEST Long Distance \$32.20
Total bill is \$1,714.04

Breakdown:

Regular Month March 10 to April 09: \$297.72

3 lines- \$39.99 Packages per line = \$119.97
5 lines-\$25.00 per line= \$125.00
Federal Access Charge-\$6.30 per line= \$50.40

Service Additions & Changes for Order N31313194 Feb 11, 2009: \$340.00

8 lines- \$42.50 per line activation charge= \$340.00

Proration for Feb 11, 2009 to March 10th 2009: \$277.84

Phone Product : \$650.91 This will be coming off when phones are returned

Shipping & Handling- \$10.99
Phones- \$639.92
Express Shipping Charge \$2.79

Long Distance: \$32.20

8 lines access line charge per line \$2.45= \$19.60
Minimum Usage Fee FEB 15-MARCH 03= \$8.50
Usage \$1.00
Taxes on ld= 3.10

Taxes, Fees, Surcharges: \$161.57

City Sales at 3%	41.68
County Sales at .7%	9.78

Thursday, March 26, 2009 AOL: CPRLIFEMASK

Federal Excise at 3%	15.58
State Sales at 5.6%	78.05
Federal Universal Serv Fund at 9.6967%	9.44
<i>This charge recovers the amount Qwest contributes to the Federal Universal Service Fund. This fund helps keep local phone rates affordable for all Americans.</i>	
Regulatory Surcharge at .19%	1.36
<i>This charge recovers the amount Qwest is assessed by the Arizona Corporation Commission. This assessment funds the corporation commission, enabling it to perform its lawful duties.</i>	
State 911 at \$.20 per access line	1.60
<i>This surcharge, funds the cost of providing emergency services communications systems in your community.</i>	
Telecommunication Relay Service Fund at 1.1%	4.08
<i>This charge funds relay centers that help hearing- and speech-impaired customers make and receive calls.</i>	

TOTAL FOR ALL IN BOLD = \$1,763.03

DEDUCT THE DISCOUNTS APPLIED TO MONTH 1 OUT OF 36 = -48.99

TOTAL IS \$1,714.04

EXHIBIT D

Subj: **Proposal**
Date: 7/31/2009 12:59:24 P.M. US Mountain Standard Time
From: Brent.Anderson@qwest.com
To: CPRLIFEMASK@aol.com
Here is a brief summary of what Qwest is offering.

A Total credit of \$4,800 to be applied to 480 488-3777 or 602 992-1220.

Brent K. Anderson
Sales and Service Team Lead
Small Business Eastern Region
Office: 651 281-4548
Cell: 651 387-7911
Email: Brent.Anderson@Qwest.com

